

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

COPY

PLANNING BOARD MINUTES
OF MAY 17, 2007

Meeting called to order at 7:00 PM by Vice Chairman Stan Prescott in the absence of the chairman.

Attendance:

Tom Moore, Vice Chairman Stanley Prescott, Gary Tasker, Henry Huntington, Ex-Officio Dustin Bowles, Steve Jackson, and Alternate Bob Ordway were present. Bob Ordway was appointed to sit on the Board in the absence of Tom Dow.

Jessica Storey was present to represent the Conservation Commission.

Acceptance of Minutes:

April 19, 2007 Public Hearing. Steve Jackson asked that it be noted on Page 1, Parking Permits, that Robert Searles entered the meeting later on in the evening. ***Henry Huntington made a motion to accept the minutes with the change; seconded by Tom Moore.*** There was no further discussion. ***All were in favor.***

April 25, 2007 Site Walk-Anderson property on Bear Hill Road. Tom Moore noted that the site walk ended closer to 5:00. ***Steve Jackson made a motion to accept the minutes with the time change; seconded by Gary Tasker. All were in favor.***

Discussions:

Parking Permit-Robert Searles - Mr. Searles stated that he has done some work at the back of his property and cleaned out by the rock wall. He said the parking plan that he submitted shows the individual spaces and accommodates 186 vehicles, based on smaller cars, less if larger vehicles. Dustin Bowles asked what the original permit allowed for a maximum. Donna reported that the permit was for 150 vehicles. Mr. Searles said that he has secured help from Gary Tasker to put up the snow fence. Mr. Tasker noted that Mr. Searles has to correct the plan from crime tape to snow fence along the front of the property. There was discussion of the concerns of Chief Fiske about parking on the right-of-way and the way vehicles were entering onto Route 106. Dustin Bowles stated that he is concerned with the numbers. It was noted that the fire and police departments should review the plan because of past concerns and changes to the plan. Steve Jackson asked about the size of the lot. Mr. Searles said that the property is 1.7 acres. The spaces outlined on the plan were recounted and found to be enough for 156 vehicles. There was concern about two rows of cars in the lower right corner of the drawing as it appeared that one row would be blocked by the other. Mr. Searles stated that there would be 30' between the right hand row and the rock wall. There was discussion of the layout submitted last month and the one submitted this month, both similar other than the actual spaces outlined on this month's submission. Tom Moore said he believed that the fire department reviewed the layout submitted last month and did not have any concerns about the travel lanes. The original drawing from 2002 was reviewed and compared to the drawing currently before the Board. It was noted that there are considerable differences in the layout. There was discussion of Chief Fiske's concerns and that Mr. Searles has addressed those concerns. The Board was in agreement to leave the permit at a maximum of 150 vehicles. Mr. Searles reported that he has been in touch with the state, and

he said that the state will put up No Parking signs along his property. He said that way anyone who parks illegally can be towed.

Gary Tasker said he would be alright with a conditional approval, contingent on the receipt of a letter of approval from the fire department. Tom Moore and Dustin Bowles said they would be comfortable with that. Mr. Moore said he would trust what Mr. Searles has shown on the plan and if there was a problem the permit would be revoked. ***Steve Jackson made a motion to accept the plan as drawn, with a limit of 150 vehicles and contingent upon review by the fire department.*** Henry Huntington said it should state for the July race only. ***Mr. Huntington seconded the motion with an amendment of ‘to approve for the July race only with follow-up feedback from the Code Enforcement Officer; permit to be automatically extended for the September race if no negative feedback.’.*** Steve Jackson noted that #2 on the parking permit states that the Board has the right to revoke the permit if there are any infractions. Dustin Bowles said he feels it would be best to make it part of the motion. Steve Jackson said he would accept the amendment to his motion. ***Acting Chairman Prescott restated the motion as amended. All were in favor.*** Mr. Searles must get a letter from the fire department before the renewal will be issued.

Parking Permit-former Country Hall/Motophoria location - The new owner of the property, Anthony Sanborn, was present to discuss the renewal of the parking permit for this location. Mr. Sanborn stated that he has met with Chief Fiske and discussed Mr. Fiske’s concerns from previous parking on the property which included leaving in the wrong direction and lack of portable toilets and signs. There was discussion about the number of vehicles permitted for the lot, the need for signs, attendants, and toilets (minimum of two), and the direction of traffic. Mr. Sanborn agreed to all points of the parking permit. ***Gary Tasker made a motion to approve the renewal of the parking permit in Mr. Sanborn’s name; seconded by Dustin Bowles. All were in favor.***

Parking Permit-Ken Bean – Mr. Bean said he was asked to come before the Board due to some issues at his property during last year’s parking for race weekends. A memo from Chief Fiske noted 15 overnight campers, fireworks and a band at the location. Gary Tasker asked Mr. Bean if he has a copy of the parking regulations. Mr. Bean said that he does and that those situations will not occur again. Stan Prescott asked if Chief Fiske had a recommendation as to how he would like the matter handled. Steve Jackson read from the chief’s memo which calls for review of the permit before renewing it. ***Henry Huntington made a motion to approve the renewal of the parking permit for the July race only with follow-up feedback from the Code Enforcement Officer; permit to be automatically extended for the September race if no negative feedback; seconded by Tom Moore. All were in favor.***

Tony Merullo – Steve Jackson recused himself from this discussion because of business dealings with Mr. Merullo. Jeff Green was appointed to sit on the Board in Mr. Jackson’s absence. Mr. Merullo stated that he would like to discuss a preliminary subdivision for Map 58, Lot 140 on Shaker Road. He explained that this is a 42 acre piece, with approximately 18 of the acres being in Canterbury. Mr. Merullo said that there has been some engineering done and wetlands delineated. He explained that he is proposing a seven lot subdivision, noting that criteria has been met for frontage, the contiguous 1 ½ acres buildable area, and wetlands. He said the question is what to do with the Canterbury land that is land-locked. He reported that he has been to the Canterbury Planning Board for their requirements. Mr. Merullo said he has proposed 300’ of frontage on the cul-de-sac for Lot 8, noting that there could be two lots in Canterbury off the cul-de-sac.

Dustin Bowles asked if the plan is to extend into Canterbury. Mr. Merullo said the road and cul-de-sac would be in Loudon and the frontage in Canterbury. Stan Prescott asked what Canterbury thought of the plan. Mr. Merullo said he showed them the plan and was told to come to Loudon. He said he did not get much direction from Canterbury. Gary Tasker referred to RSA 674:53 that the secretary found when researching subdivisions that incorporate land in multiple towns. He suggested that Mr. Merullo look into that RSA for further information. Stan Prescott asked Mr. Merullo what the zoning requirements are in Canterbury and in Loudon. Mr. Merullo said Canterbury requires three acres and 300' of frontage and Loudon requires two acres and 200' of frontage. There was discussion of the frontage on the proposed cul-de-sac. The frontage measures about 300' rather than the 600' that Mr. Merullo reported that he had asked his engineer to design. Mr. Merullo said that Canterbury told him he has to meet their requirements. Bob Ordway said he can't get 600' on the cul-de-sac. Gary Tasker said that Mr. Merullo would have to meet the Canterbury regulations and any approval would be contingent upon a Canterbury approval. Jeff Green said that Mr. Merullo is asking the Loudon Board to create a non-conforming lot to go with the land in Canterbury. He said it somehow has to be contingent with Canterbury. Mr. Merullo said it was his understanding that a lot line can be there or not be there. He said if you take the lot line out there is then a conforming lot, contiguous with the Canterbury land. He said the town line is transparent in such situations. Mr. Merullo said there is one deed for the two parcels. Discussion continued about possible ways of acquiring the necessary frontage and lot sizes.

Stan Prescott noted that the proposed road is 2000' long. There was discussion of the desire to get away from dead-end roads, the location of the lots, and where the road would lead if continued. Bob Ordway asked Mr. Merullo if he thought that Canterbury would approve building lots in Canterbury with the road and cul-de-sac in Loudon. Mr. Merullo said he did, if the frontage and acreage were available and conditions were met. He said the cul-de-sac on Creek Water Lane has 400' of frontage. Dustin Bowles noted that that was starting at the flares. Mr. Merullo said he thinks that the engineer can get 600' by moving some lines. Gary Tasker said Mr. Merullo could still get four lots if he kept the road at 1000' in length. Mr. Merullo noted that that would leave the Canterbury land useless. Bob Ordway asked if the Board would agree to let two lots in Canterbury have frontage on a Loudon road. Henry Huntington said he is not comfortable approving or not approving Canterbury lots. Stan Prescott mentioned a similar situation on property near the Red Roof Inn where part is in Loudon and part is in Concord. Gary Tasker read from the RSA that a town line is like a property line. Dustin Bowles stated that Mr. Merullo would have to have two acres on the Loudon side. Bob Ordway noted a similar situation on School Street and Hot Hole Pond Road. Dustin Bowles said that was pre-zoning. Jeff Green said this plan is not creating a conforming lot in Loudon but it is possible to create a wood lot or non-buildable lot as long as it is noted as such. He said he feels there should be a joint signature from the two towns and everything done at the same time so there would not be non-conforming lots in Loudon and the Canterbury lots never happen. Bob Ordway noted another subdivision that Mr. Merullo had done years ago at the Pittsfield/Loudon town line. Discussion was that it was different due to the fact that the road ran the town line so that the lots were clearly in one town or the other.

Mr. Merullo said that the proposed lots would be small on the Loudon side with the additional acreage on the Canterbury side. He said he would like a feeling on how the Board views this proposal. He stated that, as shown, he would have 300' of frontage and could leave the Canterbury land as one lot. He asked the Board how they felt about that and having 1 ½ acres in Loudon and 18 acres in Canterbury. Bob Ordway suggested that Mr. Merullo could put the cul-de-sac in Canterbury. Dustin Bowles said that was an avenue for Mr. Merullo to consider. Jeff Green asked about having the existing lot in Canterbury with a driveway off the

end of the cul-de-sac and if Canterbury might waive the frontage requirement. Stan Prescott noted that the Board has no minutes from Canterbury to know just what was discussed or decided there. Mr. Merullo said the direction from the Canterbury board was to meet the regulations.

Henry Huntington said, after scanning the RSA, that it seems this proposal can be done. He said the proposal would need to go to both boards, saying that the boards don't necessarily need to meet but be in communication. He said Mr. Merullo would need 600' of frontage and meet the strictest regulations of either of the boards. Mr. Huntington advised Mr. Merullo to put applications in to both boards and get the proposal on the table. Gary Tasker asked about extending the road into Canterbury and creating frontage that way. Mr. Merullo said his concern with that would be a portion of road in each town and the maintenance of such. Dustin Bowles said it would avoid having a non-conforming lot in Loudon. Stan Prescott and Gary Tasker each noted that the length of the road may not be approved and that Mr. Merullo would have to consider that possibility. Mr. Merullo noted that there are longer roads with cul-de-sacs in Loudon. Dustin Bowles said there have been issues with long dead-end roads in town. Mr. Merullo said he has walked this property with the Conservation Commission. Jessica Storey reported that the Commission looked at the wetland crossing. She stated that the location of the cul-de-sac is the biggest concern. Mr. Merullo reported that the Conservation Commission told him to go see Canterbury. He said if he ran the cul-de-sac into Canterbury further it would lessen the encroachment on the wetlands buffer. He noted that he has to have site specific, wetlands approvals, etc before going to the ZBA. Dustin Bowles asked about the size of the proposed Lot 7. Mr. Merullo said he has been assured by the engineer that all of the lots meet the 1 ½ acre buildable area and all of the lots are 4 ½ to 5 acres.

Steve Jackson returned to the Board.

Robert Rhoads – Mr. Rhoads explained that he is proposing a start-up motorcycle sales/inspection station business at the former Stacy's Hardware building at Route 106 and Shaker Road. He said this will be a similar use of National Power Sports but on a smaller scale, with fifty bikes onsite eventually. Gary Tasker asked about outside sales, storage, and washing. Mr. Rhoads said there might be an outside display but no outside storage. Mr. Tasker said that would have to be shown on a plan. He noted that outside washing was a concern with the former business at that location. Mr. Rhoads stated that the volume will be significantly less than was seen with the former business. Mr. Tasker said the Board would have to see where and how the washing will be done. Nathan Sanel, owner of the former business at the location, said that the washing concern was the quantity done. He explained that when he first opened he was doing one or two bikes a day on a pad outside and that number later increased to three to five a day. Dustin Bowles asked if Mr. Rhoads intends to do repairs. Mr. Rhoads said minor service only. Stan Prescott asked if there was any intended use of the second floor of the building. Mr. Rhoads said there was not. Mr. Prescott noted that Mr. Rhoads's letter to the Board says service and he wants to be sure of the intent. Mr. Rhoads said the plan is for sales and inspections. There was discussion of the previous approval at this location and the similarities of the two businesses. The Board agreed that this use seems to be the same as the previous use approved for the location. Gary Tasker asked if the approval should say something about service, such as light services acceptable. It was agreed that any change would have to go before the ZBA. Jessica Storey asked how the washing is monitored and if it was something that the Conservation Commission should look at. Stan Prescott said he has received calls in the past and gone to discuss the concerns and he feels it could continue to be handled in that manner. Mrs. Storey said the Commission would not act unless they receive a call on a concern. ***Tom Moore made a***

motion to approve the continued business use of the property at 575 Route 106 as a motor sports sales and inspection station; seconded by Gary Tasker. All were in favor.

David Moody – Jeff Green explained that he is representing Mr. Moody and the major site plan for his property at Map 40, Lot 7. Mr. Green said he would like to determine if the site plan would be done as an expansion of the application filed by Septic Disposal Solutions (SDS) or a new application in Mr. Moody's name. He explained that the SDS application is filed with Mr. Moody as the owner of the property and asked for clarification from the Board. Acting Chairman Prescott said it was his understanding that the feeling was the application would be filed under Mr. Moody's name since the major concerns are with his total property. Mr. Green said it had been his intent to do a full site review under Mr. Moody's name with the SDS portion included. He read a letter that Mr. Moody received in 2005 saying that Mr. Moody had fulfilled the conditions set by the Planning Board to bring his property into compliance. Mr. Green explained that nothing on the property has changed since that time. He said the plan was not a great plan but was approved by the Planning Board. Mr. Green said that when the applicants came forward this time they came in with SDS going into a portion of that full plan and he just wants to be sure of the direction the Board wants to follow.

Stan Prescott said there would be no action tonight as this is only for discussion purposes. He said it was the Board's feeling that the site plan was Mr. Moody's responsibility, not that of SDS. Steve Jackson stated the Board learned that the building for SDS will belong to Mr. Moody and the direction of the Board had been to do a full site plan or a subdivision of five acres. He asked if a new application would be needed. Henry Huntington said he feels that the application that was submitted is the only application needed. He said the Board advised the applicant last month to cover the full thirty acres. Mr. Huntington asked if the Board could accept the existing application and change the title to SDS processing facility and other business uses to clear up any questions. Jeff Green said he did an existing conditions plan for the property prior to when the engineer did the SDS portion. Steve Jackson said he would agree with Henry Huntington on a review of the thirty acre parcel. Henry Huntington said the title might be changed on the application so that it encompassed the full parcel. Stan Prescott said some of the confusion or question might have been if the application was for a site plan for David Moody or for SDS, when SDS was only a little portion of the entire parcel. He noted that the application has not yet been accepted by the Board as they are waiting for ZBA approvals so this is still in the discussion phase which would allow the title to be changed. Dustin Bowles said the question would be if they use the application for the site plan and then the same application for the SDS facility. Jeff Green said SDS would become part of the full site plan. Dustin Bowles said the concern is to see the total plan and areas used.

Jeff Green gave the Board members some plans of the existing conditions to review, noting that they have been revised somewhat from what the Board saw when SDS first came before them. From the existing conditions plan, he explained contours, woods lines, current uses of the property, and pointed out an old pond that was used by Pike. He explained the proposed site plan and the active gravel pit, noting that Mr. Moody would like to continue excavating gravel out of the site. Mr. Green pointed out the proposed contour lines and the plan to bring the area to 3:1 slopes. Mr. Green pointed out that the SDS facility would be in the same corner, moved back slightly and tucked into the corner more once the slopes are out of there. He said they have moved the dumpster storage, existing buildings leftover from the gravel pit days, and concrete forms out of the corner. He pointed out where the storage areas would be relocated in the upper corner of the plan. Mr. Green said the plan is to widen the driveway. He explained the new layout, saying it would clean up the area which would all be graded and usable. He said the wooded line stays and the road would be a little more defined. Mr. Green said they are making

areas for each use and getting all uses out of the SDS area. He noted that the DES setbacks are shown for the SDS area and part of the lagoon radius is shown and all setbacks have been met. Bob Ordway asked how big the area is within the DES setbacks. Mr. Green said it is 2.7 acres within the circle that indicates the DES setbacks.

Mr. Green said he has done an approximate wet plan, noting that he has to get the wetland scientist back out to do a little more work. Steve Jackson asked if it is the intent to have all excavation done prior to building the building. Mr. Green showed the area in the corner to be excavated. He said the town wants to excavate their land behind this parcel so that will be a joint project over a period of time. He pointed out an area that would be excavated dependent upon when Loudon did their portion, noting that the area could be utilized for dumpster or trailer storage in the meantime. Tom Moore asked who would determine the floor height. Mr. Green explained the current levels and gave scenarios of how Loudon might handle the excavation and determine the levels to which they bring their gravel area. Dustin Bowles said that the agreement between the town and Mr. Moody would be done in two steps and over a period of 15-20 years. He said the town would take down some of their banking and then Mr. Moody would take down some of his.

Jeff Green showed the five acres to be designated for SDS. Gary Tasker said he felt this was a good start and that he appreciates what has been done thus far. He asked Mr. Green if he was looking for direction. Mr. Green said they want to be sure they are doing what is being asked and asked if topography and wetlands have to be done. He said he would like to ask not to have to do the wooded area on Route 106 as that is not being used or touched. Gary Tasker said he likes the separation of areas and the plan is neat and addresses slopes. He said he likes the widening of the road and asked about the 90 degree turn shown on the plan. Mr. Green said he will have the engineer work on the curve and once he knows that the Board is happy with the plan so far he will fine tune everything. Mr. Tasker said the slopes were his main concern. Mr. Green explained the plan to reduce the slopes. Stan Prescott said he does not think the slopes are a problem as the area by the road will flatten as they are working on the banking with the town. He said he is all set with what is being proposed for the area from the property pin toward the dump.

Jeff Green asked how the Board would like him to proceed with the plan. Gary Tasker said he would like the plan to designate the area being addressed now, an area for future use, keep the buffer by Route 106, and possible future access/use. Stan Prescott said he would agree and he would like the plan to show the two wetland areas down by the open excavation. He said that Mr. Green did not have to bother going into the undisturbed area. Mr. Prescott said he still has concern with the angle of the access at Dump Road. Dustin Bowles said he would rather see it left at an angle because of the traffic on the road. He said the angle allows for better sight distance and entrance/egress at this site. Dave Moody said he will be taking some trees down and widening the access.

Tom Moore said the plan looks nice and the property is cleaned up well. Stan Prescott asked the Board if they were in agreement to amend the application. Gary Tasker said he does not mind amending the application if that is appropriate. Henry Huntington said he agreed. Dustin Bowles said he has a problem with amending the application because there would be a site plan for the thirty acres and a site plan for a future business. He said he would go with the consensus of the Board as long as any other business, storage, or anything else would have to come for full site plan. Dave Moody noted that this is all one project as they would not be coming for a site plan if it was not for SDS. Henry Huntington said they have been thorough in the site plan review and he is alright with the same application. The Board agreed that they would want a whole plan if there was another business proposed in the future.

Ned Lizotte stated that there is a saw mill without a special exception on the property and he asked how that would be delineated. Gary Tasker said that is not the Board's place to determine if it is illegal, noting that it is up to the Code Enforcement office. Dave Moody said the saw mill has been there for years and is not a permanent structure.

Acting Chairman Stan Prescott said he would poll the members as to whether they want a separate application or amend the existing application. Steve Jackson said the plan addresses the slopes, excavation and other activities in the area and he is alright with the original application. Tom Moore asked Dustin Bowles about a concern he had voiced with reference to keeping the files straight. Mr. Bowles said he wanted to be sure that the records would be clear as to whether this would be filed as David Moody or SDS. It was noted that all files in the office are maintained by map and lot numbers. Steve Jackson said there would be no need for a site plan if it wasn't for the SDS facility, noting that SDS is part of the larger parcel. Stan Prescott said they are looking at the whole picture, not just the SDS portion, so he feels the Board is fine with the way they are going. Bob Ordway asked if SDS would be a separate plan or another page in this plan. Jeff Green said the plans would include all portions of this project and property. Bob Ordway said he was in agreement with it being the same application. Tom Moore said he would leave it as the same application. Gary Tasker said to leave it as is showing David Moody as the owner. Henry Huntington said he would suggest amending the application and plans to read Major Site Development for David K Moody'. Gary Tasker said he would agree. Dustin Bowles said he would agree, provided that they will see the SDS proposal. He said other existing uses need to have designated areas. Gary Tasker suggested that dotted lines could be used to show designated areas. Bob Ordway said he would like to see the parcel cleaned up and maybe walk it. He said he is in agreement with Henry Huntington and Gary Tasker. Stan Prescott said he was in agreement as well.

It was asked if SDS had paid application fees and if there would be additional fees when expanding the application to include full site review. The secretary reported that SDS paid all application fees, including disturbed area. Henry Huntington said they are amending the same application and he did not feel there should be additional fees. The Board was in agreement.

Old Business:

1. **Application # 07-02, Loudon Woods Estates** – Major Subdivision, Located on Chichester Road, in the RR District. Map 2, Lot 23. Bob Ordway recused himself as he is an abutter to this property. Jeff Green was appointed to sit on the Board in Mr. Ordway's absence. Owners Gary Vermette, Dan Aversa, and Joe Bohi were present. Peter Holden of Holden Engineering reviewed the project to date. He stated that at last month's meeting he had proposed an easement to access backland and there was discussion of making it a right-of-way. Mr. Holden said he has moved some things around and addressed changes made to the cul-de-sac. He said he thought he could make the cul-de-sac bigger, tear-shaped, so that the concern of tractor trailers making the swing would be addressed. He said he found that doing that pushed it out so much that it eliminated a lot so he made it more of an oval than a circle and this allows a WV50 tractor trailer to go around the cul-de-sac with no problem. Mr. Holden pointed out the location of the access road, noting the portion that they plan to build and explaining that they weren't going to build the road all of the way out to the property line. Stan Prescott asked if the plan was to clear and grub the access. Mr. Holden said that was the plan. Dan Aversa said it would be left so that access to the backland is still available. Mr. Holden said he still has some comments from the town engineer to address.

Henry Huntington asked if Lot 2 will still be big enough after the access is accommodated. Mr. Holden said that all lots meet the requirements. Stan Prescott asked if Mr. Holden plans to show the profile of the proposed access road. Mr. Holden said he would. Steve Jackson noted that a waiver was requested for the length of the road and asked what the new length would be with the extended cul-de-sac. Mr. Holden said the total would be 1220'. Henry Huntington asked about the cistern. Mr. Holden reviewed what was agreed upon at last month's meeting with regard to one cistern covering all of the lots on the new road, some lots on Bee Hole Road, and the remainder of the lots having sprinkler systems. Bob Ordway asked about the classification of the new access road. Mr. Holden said it would be a right-of-way owned by the town. He said they could give Mr. Ordway an easement across the property and deed the property to the town. Henry Huntington asked if there were only those two pieces that need access. Bob Ordway explained that both backland parcels go to Bear Hill Road. Mr. Huntington suggested including an easement for both pieces. Mr. Ordway asked what the access would do to the usability of his tract. It was agreed that he would have to upgrade the access road in order to develop his tract.

Peter Holden said he will address all comments and get revised plans to the planning office. He explained possible changes at the approach of Bee Hole Road to Chichester Road. Gary Tasker asked if the town engineer should look at the options. Mr. Holden said any of the possible changes would be better than the current situation at that intersection. Stan Prescott suggested bringing the Chichester Road change back more toward Route 106 so there would not be such a hump in the road. Mr. Holden said he will call Tony Puntin directly.

Dustin Bowles made a motion to continue this hearing to June 21, 2007 at 7:00pm at the Community Building; seconded by Henry Huntington. All were in favor. This will be the only notification.

Bob Ordway returned to the Board.

2. **Application # 07-03, Septic Disposal Solutions**-Major Site Development, Located on Dump Road, in the C/I District. Map 40, Lot 7. A letter to table this application until the June meeting was received from the applicant. ***Henry Huntington made a motion to continue this application to June 21, 2007 at 7:00pm at the Community Building; seconded by Gary Tasker. All were in favor. This will be the only notification.***

3. **Application # 07-04, Debra Rattee**-Major Subdivision, Located on School Street, in the RR District. Map 38, Lot 7. A letter to table this application until the June meeting was received from the applicant. ***Dustin Bowles made a motion to continue this application to June 21, 2007 at 7:00pm at the Community Building; seconded by Steve Jackson. All were in favor. This will be the only notification.***

New Business:

1. **Application # 07-06, Denyse Merullo**-Lot Line Adjustment, Located on Creek Water Lane, in the RR District. Map 58, Lots 142 & 143. Tony Merullo represented Denyse Merullo. Steve Jackson recused himself from this case because of business dealings with Mr. Merullo. There was no alternate available to take Mr. Jackson's seat. There were no

abutters present. Mr. Merullo explained that these lots are the second and third lots on the left on Creek Water Lane. He said the foundation on Lot 142 was put in and they now want to add on to the foundation which would make it encroach on the property line. Henry Huntington asked how Mr. Merullo ended up putting the foundation so close to the setback to begin with. Mr. Merullo said it was the best location to allow for the house and driveway. Mr. Huntington said a foundation cannot be put in the setback without going to the ZBA. Stan Prescott asked if the foundation got checked by the Code Enforcement Officer. Mr. Merullo went on to the differences in the two lots; one is 2.668 acres before and 2.844 acres after the adjustment, the other is 3.081 acres before and 2.904 acres after the adjustment. He said he pointed out to the Board on a site walk in January that the intention was to move the lot line for the best use of the land. Tom Moore asked if the adjustment leaves sufficient frontage. Mr. Merullo said it does.

Acting Chairman Prescott closed the hearing to the public and opened it to the Board only. Gary Tasker asked if Mr. Merullo had a letter of authorization from his sister. Mr. Merullo said there was a letter in the original file for the subdivision. He said he would get a letter for this file. ***Bob Ordway made a motion to approve the lot line adjustment; seconded by Dustin Bowles. All were in favor.***

Steve Jackson returned to the Board.

2. **Application # 07-07, MDP Realty/Villages at Loudon**-Amended Site Plan, Located on Foster Road, in the RR/Elderly Overlay District. Map 29, Lots 7 & 93 and Map 20, Lot 3. Tony Marcotte of Bedford Design represented the applicant. Owner Marco Plante was present. Mr. Marcotte explained the proposed slope and grading changes. He discussed the plant change requests, explaining that there was concern of too many of a species should there be a disease that could wipe out the entire planting. He said the request is to vary the species and make some substitutions for hard to find species. Mr. Marcotte said the number of plants is the same and this would just vary the species. He said these changes were done at the request of the supplier.

Mr. Marcotte said there have been several requests from interested parties to reconsider the age requirements in the complex. He said there are many parties where one person may be over the required 55 but the other person is not. He noted that zoning requires all persons to be over 55 and he would like some input from the Planning Board to support some relaxation of this age requirement perhaps with restrictions of some sort.

Mr. Marcotte talked about the reclamation that has been done thus far. He said there has been some hydro-seeding and planting done, all of which has been a great improvement to the property. Gary Tasker said he has no problem with the plant substitutions. Tom Moore said the required age started at 60 and was adjusted because of the same concerns. Mr. Marcotte suggested that there could be a ZBA variance given. Bob Ordway noted that in HUD projects only one person has to be of age. Steve Jackson read from the Zoning Ordinance about age requirements for senior housing. Dustin Bowles said it would be a decision of the ZBA.

Henry Huntington made a motion to accept the application as complete and move to the public hearing; seconded by Dustin Bowles. All were in favor.

Mr. Marcotte gave an overview of changes to the site plan which include: 6-8' PVC fence at the entrance to the RV parking area; landscaping; slopes/grading at the rear section; and roadway level. He explained that the owner does not want to move excess material from grading offsite so that will be used to build up the road. Stan Prescott asked who the abutter to the area to be graded would be. Mr. Marcotte said that was

Carolyn Fiske. He said she was notified by certified mail and that he had called and left her messages but she has not returned his calls. Tom Moore said this is almost a carbon copy of the plans done a couple of years ago and noted that the abutter was never really active in the process. Tony Marcotte said that the 5:1 grading is preferred by DES and would be better for drainage. He said from a safety standpoint, the 5:1 grading would be better for the abutter. Stan Prescott asked if these are the plans that would go to the registry. Mr. Marcotte said he had some minor changes to be made on the roadway grading and a few other minor changes to make on the plans. Mr. Prescott said that the abutters should be shown on the plan. Mr. Marcotte said he could add an overview sheet. Tom Moore asked if the town engineer should review the plan again. Stan Prescott and Gary Tasker agreed that the plan should be reviewed by Tony Puntin.

Acting Chairman Prescott closed the hearing to the public and opened it to the Board only. Gary Tasker said he had no problem with the landscape and slope changes but would like to have the engineer review the changes. Stan Prescott said he would like to have the abutters and match lines added to the plans. ***Henry Huntington made a motion to continue this hearing to June 21, 2007 at 7:00 pm at the Community Building; seconded by Tom Moore. All were in favor. This will be the only notification.***

Board Discussion:

Currier Road Holdings-Reclamation bond refund request. Acting Chairman Prescott read a letter from B. Alden Moore requesting the return of their \$7,000 reclamation bond. The reclamation plan was reviewed by the Board and a site walk was scheduled for May 23, 2007 at 5:00pm.

Duprez-The secretary asked what the next step would be to follow up on the deeding of Lot 4 of the Duprez subdivision to the town. Mrs. Duprez came to the Board in March, one year after subdivision approval, for discussion and nothing has been done since that meeting. Discussion ensued about the conditions of the subdivision approval. ***Henry Huntington made a motion to send a letter to Mr. & Mrs. Duprez stating that all conditions of the subdivision must be met within 90 days or the approval will be revoked; seconded by Dustin Bowles. All were in favor.***

Land Development Regulations update-Donna has been working on the review and update of the LDR. The Board agreed that copies of the marked up LDR will be sent to all Board members for review and then a meeting will be held for discussion

Report of the ZBA:

There are three applications before the ZBA this month, all carried over from the April meeting.

Report of the Board of Permit:

Bob Ordway reported that there were two Hawker & Peddler permits issued, one for Brookside and one for Speedway Convenience. He said a request from Ray Cowan of North Village Road to use the second floor of the Lazy Pines Park house as an apartment was denied. Mr. Ordway said there was discussion about the proposed music festival at Rocky Road Campground over Memorial weekend. A letter of concern was received from an abutter of the campground. Mr. Ordway said that Mr. Bagone did not have all permits in hand at the time of the Board of Permit.

Adjournment:

A motion to adjourn at 11:00pm was made by Dustin Bowles; seconded by Tom Moore. All were in favor.

**Respectfully submitted,
Donna White**